

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	19cv273 (DLC)
JEANNETTE SIERRA,	:	
	:	
Plaintiff,	:	<u>SCHEDULING ORDER</u>
-v-	:	
	:	
SENIOR WHOLE HEALTH and MAGELLAN	:	
HEALTHCARE, INC.,	:	
Defendants.	:	
	:	
-----	X	

DENISE COTE, District Judge:

The initial Scheduling Order in this case was entered on September 13, 2019. The deadlines from that Order have been extended at the parties' request on two prior occasions, through Orders of January 13 and February 14, 2020. On both occasions, the parties were informed that the summary judgment deadline was firm. The February 14 Order scheduled fact discovery to close on April 17 and made any summary judgment motion due by May 29. On March 13, the parties filed a letter seeking a further extension of the schedule, due to the COVID-19 outbreak.

The Court takes notice that the World Health Organization has described COVID-19 as a pandemic and that New York City has declared a state of emergency.¹ Accordingly, the Court will

¹ World Health Organization, WHO Director-General's Opening Remarks at the Mission Briefing on COVID-19 (Mar. 12, 2020), <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-mission-briefing-on-covid-19---12-march-2020>; City of New York, Office of the Mayor, Mayor de Blasio Issues State of Emergency (Mar. 13, 2020), <https://www1.nyc.gov/>

grant an eight-week extension of all upcoming deadlines. Counsel should consult as to whether pretrial proceedings, including depositions and mediation, may be conducted through video conference or teleconference. It is hereby

ORDERED that, pursuant to Rules 30(b)(3) and (b)(4), Fed. R. Civ. P., all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, however, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

office-of-the-mayor/news/138-20/mayor-de-blasio-issues-state-emergency.

IT IS FURTHER ORDERED that the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. The parties are instructed to pursue settlement discussions under the supervision of Magistrate Judge Robert W. Lehrburger, beginning no later than **May 2020**.
2. All fact discovery must be completed by **June 12**.
3. The following motion will be served by the dates indicated below.


Any motion for summary judgment

- Motion served by **July 24**
- Opposition served by **August 14**
- Reply served by **August 28**

At the time any Reply is served the moving party shall supply two courtesy copies of all motion papers to Chambers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York.

4. In the event no motion for summary judgment is filed, the parties shall file a letter by **July 24** informing the Court whether they seek expert discovery. In the event the Court denies any part of a motion for summary judgment, the parties shall file such a letter within **seven days of the Court's decision on the motion for summary judgment**.
5. **The July 24 dates are firm.**

Dated: New York, New York
March 17, 2020



DENISE COTE
United States District Judge